

TWENTY-NINTH DAY.

Senate Chamber,
Austin, Texas,
February 20, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Sulak.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Cotten.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

House Bill No. 197.

The Chair announced the following conferees on the part of the Senate on H. B. No. 197: Senators Oneal, Redditt, Woodruff, Martin and Stone.

Senator Excused.

Senator Sulak was excused for the day on account of important business on motion of Senator Van Zandt.

Report and Recommendations.

Senator Beck sent up and asked unanimous consent to have printed in the Journal the report and recommendations of the Senate Investigating Committee of the Forty-third Legislature, and that further reading be dispensed with.

Unanimous consent was granted.

(See Appendix.)

Bills and Resolutions.**Senate Bill No. 318.**

By Senator Shivers:

S. B. No. 318, A bill to be entitled "An Act giving to Mrs. Lillian Hargraves, for herself and as next friend of Orin Hargraves, Edith Hargraves and Ed Harold Hargraves, minors, of Beaumont, Jefferson County, Texas, consent of the Legislature to file and prosecute suit against the State of Texas and/or the State Highway Commission in a court of competent jurisdiction in order to determine what compensation, if any, she and the surviving children of the said Lillian Hargraves and O. K. Hargraves are to receive by reason of the death of the said O. K. Hargraves, received while an employee of the State Highway Commission; and providing the State and/or said Commission may appeal from said judgment as provided by law without executing any bond and upon the final judgment being recovered against the State and/or State Highway Commission, the same shall be paid out of the State Highway funds; and providing that service in said cause shall be had by citing the Chairman of the Highway Commission and Attorney General; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 319.

By Senator Shivers:

S. B. No. 319, A bill to be entitled "An Act granting to Dr. N. T. Anders and wife, Mrs. Hattie Anders, of Beaumont, Jefferson County, Texas, the permission to bring suit against the State of Texas and the State Highway Department and to join the State of Texas and the State Highway Department as co-defendants with Jefferson County, Texas, in the District Court of Jefferson County, Texas, in trespass to try title to a portion of the T. Spear League in Jefferson County, Texas, and to recover damages to the remainder of the plaintiff's land in said T. Spear League resulting from the construction of an embankment on and adjacent to the plaintiffs' land by the State Highway Department and Jefferson County, Texas; providing that such suit may be filed within two years after this Act takes effect; providing for the method of serving

process and for procedure governing the trial and determination of such suit, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 320.

By Senator Shivers:

S. B. No. 320, A bill to be entitled "An Act to amend Section 10 of Chapter 42 of the Acts of the Forty-third Legislature, Regular Session, pages 49-50, amending Section 10, of Chapter 42, with reference to the salary to be paid the Deputy Clerk of the County Court of Jefferson County at Law; and providing that if any paragraph, clause or sentence of this Act be held unconstitutional the rest of the Act shall be held valid."

Read and referred to the Committee on State Affairs.

S. C. R. No. 19.

Senator Hopkins sent up the following resolution:

Whereas, A resolution has been introduced in the United States Senate attacking the integrity of a high Government official, in the person of Postmaster General James A. Farley; and

Whereas, Such charges are to be deplored at all times, and particularly when made against a person of the standing and character as the Postmaster General and Chairman of the National Democratic Executive Committee; and

Whereas, Said charges have been made on the floor of the United States Senate by one Senator Huey Long, who, in recent years, made unfounded, wholesale charges of corruption against the entire Texas Legislature in connection with the failure of the Texas Legislature to pass his no-cotton planting law; and

Whereas, By reason of the source of such charges the people of this great State have little faith in them; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That we do deeply deplore the bringing of such charges and express our confidence in Postmaster General Farley, and express to the President of the United States, the Senate of the United States, and to Postmaster General Farley our regrets that such charges have been made. Be it further

Resolved, That copies of this reso-

lution be forwarded to the President of the United States, the Senate of the United States, and to the Postmaster General.

HOPKINS.

Read.

Senator Hopkins asked unanimous consent that the Senate Rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 19 be taken up and considered at this time.

Senator Burns objected.

Senator Hopkins moved that the Senate Rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 19 be taken up and considered at this time.

The motion to suspend the rule lost by the following vote:

Yeas—7.

Blackert.	Rawlings.
Cotten.	Redditt.
Hopkins.	Regan.
Martin.	

Nays—20.

Burns.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Hughston.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent.

Beck.	Davis.
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Absent—Excused.

Fellbaum.	Sulak.
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S. C. R. No. 19 was referred to the Committee on Federal Relations.

Senate Bill No. 321.

By Senator Stone:

S. B. No. 321, A bill to be entitled "An Act amending Sections 17, 18, 19 and 20 of Chapter 290, Acts of the Forty-first Legislature so as to provide for the creation of Union Junior College District where there are two or more contiguous independent school districts or two or more contiguous common school districts or a combination of one or more independent school districts with one or more common school districts of contig-

uous territory within the same county having a combined taxable wealth of not less than \$9,500,000 and having a scholastic population of not less than 7,000 the next preceding school year and not less than 400 students in the last four years in the classified high school or high schools of said district and further providing for the creation by any county or combination of contiguous counties having a taxable value as hereinabove stated with the same scholastic population and the same number of students in classified high schools of the county or joint county Junior College and further providing for the filing of a petition for the ordering of an election at the same time an election is held for the creation of a Junior College District, providing for elections to determine the establishment, of such Union Junior College District, or County, or Joint County Junior College District, etc., and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 16.

Senator Duggan moved to reconsider the vote by which S. B. No. 16 was finally passed.

The motion prevailed by viva voce vote.

Senate Resolution No. 49.

Senator Woodruff sent up S. R. No. 49.

Read and referred to the Committee on Finance.

(Changed to S. C. R. No. 21, page 527.)

Senate Bill No. 322.

By Senators Martin, Beck, Poage: S. B. No. 322, A bill to be entitled "An Act making it a misdemeanor for peace officers to demand, or to receive, fees of office in certain prosecutions; prescribing a penalty for a violation thereof; defining the term "peace officer"; making certain exceptions thereto; and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

H. C. R. No. 11.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 11, Granting permission to Mrs. Rhoda Sweatt and Miss Mae Vance to sue the State for damages.

Senator Rawlings explained the resolution.

Committee Amendment.

Amend House Concurrent Resolution No. 11 by adding after the word "jurisdiction" in the resolving clause the words "in Travis County."

Senator Rawlings moved to table to committee amendment to H. C. R. No. 11.

The motion to table prevailed by viva voce vote.

H. C. R. No. 11 was adopted by viva voce vote.

H. C. R. No. 8.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Duval:

H. C. R. No. 8, To grant J. W. Maney and J. R. Alley permission to sue the State.

On motion of Senator Rawlings H. C. R. No. 8 was laid on the table subject to call.

H. C. R. No. 9.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Lanning:

H. C. R. No. 9, Concerning erection of cigar stand in Capitol Building.

With amendments.

Senator Van Zandt received unanimous consent to have printed in the Journal the following amendment:

Amend H. C. R. No. 9 by striking out all after the resolving clause and substitute in lieu thereof the following:

"That authority is hereby given to the Commission of the Blind to erect a cigar stand on the ground floor of the Capitol Building to be operated by some person designated by said Commission under the supervision and control of the Board of Control."

VAN ZANDT.

On motion of Senator Van Zandt H. C. R. No. 9 was laid on the table subject to call.

H. C. R. No. 28.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 28, Commending the State Board of Education.

With amendments.

Senator Pace explained the resolution.

The following Committee amendment was adopted.

Amend H. C. R. No. 28 by striking

out in last paragraph—the following—“And to each school superintendent.”

Senator Pace sent up the following amendment to H. C. R. No. 28:

Amend by adding after the word “receptive” in fifth line of the resolved clause the following—“As well as in the primary grade.”

Read and adopted.

H. C. R. No. 28 as amended was adopted by viva voce vote.

House Bill No. 1.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Reed of Bowie:

H. B. No. 1, A bill to be entitled “An Act authorizing any taxpayer in any common school district or independent school district to pay one-half or all of such school tax prior to the payment of any other tax that may be collectible on the same roll during the period of time covered by this Act; making provision for the receipt of same by the collector in making proper record thereof and providing for the issuance of official tax receipt or certificate of redemption upon final payment; authorizing, if desired, the making of a special roll showing such school taxes segregated; suspending all laws in conflict therewith, and declaring an emergency.”

On motion of Senator Collie H. B. No. 1 was laid on the table subject to call.

Senator Beck called from the table H. B. No. 1.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1 was put on its third and final passage by the following vote:

Yeas—29.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Hughston.
Davis.	Martin.
DeBerry.	Moore.
Duggan.	Neal.

Oneal.	Shivers.
Pace.	Small.
Poage.	Stone.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.
Regan.	Woodruff.
Sanderford.	

Absent—Excused.

Fellbaum.	Sulak.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Sulak.
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Senate Bill No. 323.

Senator Woodruff received unanimous consent to send up the following bill:

By Woodruff:

S. B. No. 323, A bill to be entitled “An Act requiring dealers in second-hand oil field supplies to obtain a license; providing an occupation tax; requiring the keeping of records and giving of bills of sale; requiring a bond; providing a penalty; and providing the District Court may enjoin the doing of business in violation thereof; and declaring an emergency.”

Read and referred to the Committee on Criminal Jurisprudence.

House Bill No. 47.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Leonard:

H. B. No. 47, A bill to be entitled “An Act to amend Sections 3, 5, 11,

and 16 of House Bill No. 500, the Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

On motion of Senator Hornsby, H. B. No. 47 was laid on the table subject to call.

House Bill No. 225.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hankamer, Mr. Clayton, and Mr. Jackson:

H. B. No. 225, A bill to be entitled "An Act to amend Acts of 1927, Fortieth Legislature, First Called Session, Chapter 80, by adding thereto Section 9a, providing for the levying of a tax annually against the property in each of the counties composing a road district composed of two or more counties, for the purpose of securing rights of way within such district for such highways as such districts were created to construct, maintain and operate or acquire, and for the maintenance of such district highways as are not maintained by the State as State Highways, and declaring an emergency."

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 225 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Sulak.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Sulak.

House Bill No. 403.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stovall:

H. B. No. 403, A bill to be entitled "An Act amending Article 6049c, Sections 10 and 11 of the Revised Civil Statutes of 1925, as amended by the Acts of 1931, Forty-second Legislature, First Called Session, page 46, Chapter 26, relating to injunctions and/or restraining orders to be issued against the Railroad Commission of Texas; repealing all laws or parts of laws in conflict, and declaring an emergency."

Senator Small moved that H. B. No. 403 be set for special order tomorrow at 10:30 o'clock.

Motion to Recommit.

Senator Hill as a substitute moved to recommit H. B. No. 403 to the Committee on Civil Jurisprudence.

Senator Small spoke on the substitute motion.

Senator Hill requested unanimous consent that he be given 5 minutes additional time to discuss the bill.

Unanimous consent was granted.

Motion to Table.

Senator Small moved to table the substitute motion to recommit.

The motion to table prevailed by the following vote:

Yeas—19.

Beck.	DeBerry.
Davis.	Duggan.

Hopkins.	Redditt.
Hornsby.	Sanderford.
Hughston.	Shivers.
Moore.	Small.
Oneal.	Stone.
Pace.	Van Zandt.
Poage.	Woodruff.
Rawlings.	

Nays—7.

Burns.	Holbrook.
Collie.	Martin.
Cotten.	Westerfeld.
Hill.	

Absent.

Blackert.	Regan.
Neal.	

Absent—Excused.

Fellbaum.	Sulak.
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The question recurred on the motion of Senator Small to set for special order.

The motion prevailed by the following vote:

Yeas—22.

Beck.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Hughston.	Stone.
Moore.	Van Zandt.
Oneal.	Woodruff.

Nays—5.

Burns.	Martin.
Hill.	Westerfeld.
Holbrook.	

Absent.

Blackert.	Neal.
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Absent—Excused.

Fellbaum.	Sulak.
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Messages from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, Feb. 20, 1935.
To the Senate of the Forty-fourth
Legislature:

On February 11, 1935, I asked the advice and consent of the Senate on the appointment of Mrs. W. R. Potter, of Bowie, Montague County, Texas, to succeed R. A. Stuart, of Fort Worth, Texas, as a member of the Board of Directors of Texas Technological College for the unexpired term of R. A. Stuart and for six-year term beginning February 19, 1939. The date of February 19, 1939, was a typographical error as the date should have read "February 19, 1936," and I now desire to correct this mistake, as the Senate confirmed the appointment as submitted by me.

I now respectfully submit for the advice and consent of the Senate the following appointment:

To Membership on the Board of Directors of Texas Technological College:

To succeed R. A. Stuart, of Fort Worth, heretofore nominated for membership on the Board of Regents of the State Teachers Colleges, for six-year term beginning February 19, 1935, Mrs. W. R. Potter, of Bowie, Montague County, Texas.

I further ask the advice and consent of the Senate on the following appointments:

Compensation Claim Board:

Penrose Metcalfe, of Tom Green County, to succeed Fred W. Davis, as Chairman;

Ed Legge, of Kaufman County, and Wm. A. Wilson, of Dawson County, to be members.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Executive Office,

Austin, Texas, Feb. 20, 1935.

To the Forty-fourth Legislature:

I respectfully direct your attention to the provisions of H. B. 521, regulating the sale and offering for sale of securities, stocks, bonds, debentures and the like in the State of Texas. It is my understanding that the same bill will be introduced in the Senate.

In connection with this bill, I call your attention to the fact that the statutes of this State contain only meager and inadequate provisions for regulation of the issuance and sale of corporate stocks and similar securities. The present applicable law is found in the Revised Civil Statutes

of 1925, Arts. 579-600, inclusive, and in the Texas Penal Code, 1925, Arts. 1071-1083, inclusive.

Our present statutes contain no provisions whatsoever regulating sellers of and dealers in securities. Under present laws it is possible for tricksters to bring into Texas the worthless stock of foreign corporations, presumably owned by others, and to offer it for sale to unwary Texas investors. It is conservative to say that Texas people annually are cheated out of millions of dollars by fly-by-night promoters and sellers of worthless stock that has no other backing than the paper on which it is printed.

At the present time, the Federal Securities Acts have practically closed the channels of interstate transportation to stocks and securities unless such issues have been registered under the stringent requirements of the Federal Act. Most of the states have more stringent laws regulating the issuance and sale of corporate securities than Texas. Because of the stringent Federal Act and the various state laws, Texas has become a fertile field in which scheming and unprincipled sellers of stock can operate. It is imperative that something be done to protect Texas people in their life's savings. It is thought that H. B. 521 will help remedy the situation.

Briefly, the bill provides for registration, licensing and placing under bond of all dealers, brokers and professional salesmen of stock and securities. In other words, no one can make a business of dealing in securities without having first obtained a license and giving bond. The bond is for the benefit of the purchaser of the securities. Licenses may be revoked for fraudulent acts of dealers or for sale of stock known to be fraudulent, thus providing control of the type of stock that will be sold. Adequate provision is made, by exemption from the provisions of the bill, for the sale of government securities or the securities of any political subdivision; likewise, exemptions exist for the sale of any stock or securities, the issuance of which was under governmental supervision. Isolated sales of an individual's personally owned stock likewise is exempted.

The administration of the Act is placed in the Secretary of State, with provision that adequate help be employed to administer the Act. It is thought that the scale of fees pro-

vided for in the licensing of dealers, brokers and salesmen will be sufficient to pay for administration expenses.

The general intent and purpose of the Act proposes nothing which is in any way experimental. Similar provisions in reference to the business of selling securities have been found effective in other states. The bill, in many instances, follows closely the features of the Uniform Securities Act, which was adopted in 1929 by the National Association of Securities Commissioners, and which has the approval of the American Bar Association. It is almost an exact copy of the Pennsylvania Securities Act, which has very effectively removed "Blue Sky Salesmen" from that state. It is believed that the bill, if enacted into law, will save untold millions to Texas investors.

I suggest that you give this bill your earliest consideration so that this State may speedily provide adequate protection for its investors.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read.

Bills and Resolutions Referred.

H. B. No. 46 was referred to the Committee on State Affairs.

H. B. No. 407 was referred to the Committee on Labor.

H. C. R. No. 35 was referred to the Committee on Federal Relations.

H. C. R. No. 37 was referred to the Committee on State Affairs.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 46, A bill to be entitled "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discriminatory rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of

violations; providing for quo warranto proceeding and forfeiture of charter; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 407, A bill to be entitled "An Act creating a State system of public employment offices; accepting the provisions of the Wagner-Peyser Act approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), 'An Act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such system, and for other purposes'; designating the Bureau of Labor Statistics to be known as the Texas State Employment Service, responsible for the administrative system of public employment officer, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives
Hall of the House of Representatives,
Austin, Texas, Feb. 20, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 35, Requesting the Texas Press Association on its trip to Washington to extend invitations to the President and Vice-President to attend the Texas Centennial Celebrations in 1936.

H. C. R. No. 37, Declaring the intent of the Legislature of Texas in the matter of the time for distribution of certain funds accruing under the Racing Law due the Public Free School Fund.

S. C. R. No. 6, Memorializing Congress to support the plan to pay ex-service men's certificates.

S. C. R. No. 10, Requesting that Congress pass the Frazier-Lemke Farm Refinance Bill without further delay.

S. C. R. No. 17, Authorizing the Highway Department to lend certain road equipment to McLennan County.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Adjournment.

On motion of Senator Redditt the Senate at 12:15 o'clock p. m., adjourned until 10:00 o'clock Thursday morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 136 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 138 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 156 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 9, A bill to be entitled "An Act making more adequate provision for the giving of surety bonds, or in lieu thereof, the depositing of securities in connection with all contracts with the State of Texas, or any of its counties, school districts, or other subdivisions of the State, or any municipality therein, or any incorporated body politic of the State of Texas, referred to in this Act as the Owner, for the construction or repair of any public building or the prosecution and completion of any public work; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred

S. B. No. 297, A bill to be entitled "An Act amending Section 5 of Article 8307, Titled of the Revised Civil Statutes of 1925, and Section I of Chapter 224, of the Acts of the Forty-second Legislature, 1931, providing that it not be necessary in any suit to set aside an award of the Industrial Accident Board and either party to plead or prove notice of injury, claim or compensation, notice of appeal or timely filing of suit, unless the existence of such facts shall be denied under oath by the opposite party."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment.

SMALL, Chairman.

Committee Amendment.

Amend S. B. No. 297 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 5 of Article 8307, Title 130, Revised Civil Statutes of Texas of 1925, and Section 1 of Chapter 224, Acts of the Forty-second Legislature, 1931, be, and the same is hereby amended so as to hereafter read as follows:

"Sec. 5. All questions arising under this law, if not settled by agreement of the parties interested therein and within the provisions of this law, shall, except as otherwise provided, be determined by the Board. Any interested party who is not willing and does not consent to abide by the final ruling and decision of said Board shall within twenty (20) days after the rendition of said final ruling and decision by said Board, file with said Board notice that he will not abide by said final ruling and decision. And he shall within twenty (20) days after giving such notice bring suit in the county where the injury occurred to set aside said final ruling and decision and said Board shall proceed no further toward the adjustment of such claim, other than hereinafter provided. Whenever such suit is brought, the rights and liability of the parties thereto shall be determined by the provision of this law and the suit of the injured employee or person suing on account of the death of such employee shall be against the association if the employer of such injured

or deceased employee at the time of such injury or death was a subscriber as defined in this law. If the final order of the Board is against the association, then the association and not the employer shall bring suit to set aside said final ruling and decision of the Board, if it so desires, and the court shall in either event determine the issues in such cause instead of the Board upon trial de novo and the burden of proof shall be upon the party claiming compensation. The Industrial Accident Board shall furnish any interested party in said claim pending in court upon request free of charge, with a certified copy of the notice of the employer becoming a subscriber filed with the Board and the same when properly certified to shall be admissible in evidence in any court in this State upon trial of such claim therein pending and shall be prima facie proof of all facts stated in such notice in the trial of said cause unless same is denied under oath by the opposing party therein. In case of recovery the same shall not exceed the maximum compensation allowed under the provisions of this law. If any party to any such final ruling and decision of the Board, after having given notice as above provided, fails within said twenty (20) days to institute and prosecute a suit to set the same aside, then said final ruling and decision shall be binding upon all parties thereto, and, if the same is against the association, it shall at once comply with such final ruling and decision, and failing to do so the Board shall certify the fact to the Commissioner of Insurance and such certificate shall be sufficient cause to justify said Commissioner to revoke or forfeit the license or permit of such association to do business in Texas. It shall not be necessary for either party to plead or prove that the employee gave notice of injury to his employer within thirty (30) days after the date of his injury, or that the employee filed claim for compensation with the Industrial Accident Board within the six (6) months after his injury, or that notice of intention not to abide by the final ruling and decision of the Board was given within twenty (20) days after the rendition of said ruling and decision, or that suit to set aside the award was filed within twenty (20) days after the giving of such notice, unless the opposite party

shall deny, under oath, the truth or existence of such facts or fact."

Sec. 2. The fact that the present law works unnecessary hardships and injustice upon injured employees and results in numerous reversals of judgment for technical reasons rather substantial errors, creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act take effect and be in force and effect from and after September 1, 1935, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 232, A bill to be entitled "An Act regulating petitions in suits for divorce, to require such petitions to state whether there are children under sixteen (16) years of age and if so, to give full information as to such minors, making it the duty of the courts having jurisdiction of such suits to inquire into the status of such children, if divorce be granted; empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen (16) years of age; to determine and fix the amounts to be paid, the times of payment, to whom to be made, to have authority to enforce all decrees by contempt proceedings, and to have control of such decrees, to alter them when justice requires, to ascertain the ability to pay, to enforce the duty of the parents to support their children under sixteen (16) years of age, after divorce, presenting the procedure; providing for the filing of sworn monthly reports with the Clerk of the Court for approval by the judges; providing this Act shall be cumulative of all other laws on the same subject, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 123, A bill to be entitled "An Act amending Article 2424, Revised Civil Statutes of Texas, 1925, relating to juries in civil cases in justice courts; providing the number of jurors which may render a verdict; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 122, A bill to be entitled "An Act amending Articles 2203, 2204, 2205, and 2206 of the Revised Civil Statutes of Texas, 1925, relating to jury verdicts in civil cases; providing no special form of verdict is required; that arrests or reversals of judgment shall not be allowed for mere want of form of verdict; providing for a jury verdict in civil cases of nine concurring members in the district court and five concurring members in the county court; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 122, A bill to be entitled "An Act amending Articles 2203, 2204, 2205, and 2206 of the Revised Civil Statutes of Texas, 1925, relating to jury verdicts in civil cases; providing no special form of verdict is required; that arrests or reversals of judgment shall not be allowed for mere want of form of verdict; providing for a jury verdict in civil cases of nine concurring

members in the district court and five concurring members in the county court; etc., and declaring an emergency."

Have had the same under consideration, and beg leave to dissent from the majority on said bill and recommend that said bill do pass, and be printed.

VAN ZANDT,
WESTERFELD,
RAWLINGS,
DAVIS.

Committee Room,

Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 321, A bill to be entitled "An Act amending Sections 17, 18, 19 and 20 of Chapter 290, Acts of the Forty-first Legislature, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. N. 291, A bill to be entitled "An Act relating to mining claims and rights, amending Article 5395 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5397 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925, and providing royalties to be paid the State from minerals produced upon such claims; and amending Article 5397 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 229, A bill to be entitled "An Act amending Article 2851 of the Revised Civil Statutes of Texas, 1925, by eliminating from said Article the standardized amount of the bond which publishing companies must furnish for the execution of their contracts and giving the State Board of Education the authority to set the amount of bonds in proportion to the first, second and/or third year purchases under each contract; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

DUGGAN, Chairman.

Committee Amendment.

Amend S. B. No. 229 by striking out all of Article 2851 and substituting the following:

"Article 2851. The bidder to whom any contract may have been awarded shall execute a good and sufficient bond, payable to the State of Texas in a sum to be determined by the State Board of Education, said sum to be an amount equal to not less than ten nor more than twenty-five per cent of the total estimated costs of the books to be purchased under the first, second and/or third year of the contract, provided, however, in no event shall the bond be less than Three Thousand (\$3,000.00) Dollars nor more than One Hundred Thousand (\$100,000.00) Dollars. This bond shall be conditioned for the faithful performance of said contract by the successful bidder; it shall be drawn and approved by the Attorney General; and shall be deposited in the office of the Secretary of State. Said bond shall be payable in Travis County and may be sued upon in any court of competent jurisdiction at the election of the Attorney General and successive suits may be filed thereon from time to time until the full amount of the bond is exhausted. It is further provided that the State Board of Education may at any time after twenty days notice in writing, sent by mail to the principal on said bond, require a new bond to be given and in event the contractor fails to furnish such new

bond, the contract may, at the option of the State Board of Education, be forfeited."

Committee Room,
Austin, Texas, Feb. 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 260, A bill to be entitled "An Act providing that the District Attorney of the Seventh Judicial District shall receive the same per diem for not to exceed sixty days in excess of the maximum number of days provided by Acts of the Regular Session of the Forty-third Legislature, as he receives now under the provisions of said Acts; providing for additional allowance for expenses of said District Attorney; making an appropriation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but pass with the committee substitute in lieu thereof and be not printed.

PACE, Chairman.

C. S. for S. B. No. 260.

A BILL

To Be Entitled

An Act providing that the District Attorney of the Seventh Judicial District shall receive the same per diem for not to exceed fifty (50) days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature as he receives now under the provisions of said Acts; providing that nothing herein shall change the law effective on this date with reference to the expenses of said District Attorney while in the performance of his official duties outside of the county of his residence, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The District Attorney of the Seventh Judicial District shall receive for the actual and necessary discharge of his duties in the District Court of the Seventh Judicial District of Texas and/or in the Special District Court of Smith County, Texas, the same per diem now allowed by the Acts of the Regular Session of the Forty-third Legislature for not to exceed fifty (50) days during each of the calendar years 1935, 1936, 1937

and 1938, respectively, in addition to the maximum number of days for which he may be paid under the provisions of the Acts of the Regular Session of the Forty-third Legislature. Payment of said additional compensation shall be made in the same manner as is provided for payment of compensation provided for by the Acts of the Regular Session of the Forty-third Legislature.

Sec. 2. Nothing herein shall be construed as preventing the District Attorney of the Seventh Judicial District of Texas from receiving his actual and necessary expenses while serving as District Attorney in said district outside of the county of his residence, as now provided by law.

Sec. 3. The fact that there are two District Courts now existing and functioning within the territorial limits of the Seventh Judicial District of Texas, with only one District Attorney provided therefor, and the further fact that the crowded condition of the dockets of said two courts prevents the proper dispatch of business in said courts in a satisfactory manner within the number of days provided by law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 20, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 195,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SANDERFORD, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 135,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SANDERFORD, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of
The Senate.Sir: We, your Committee on Peni-
tentiaries, to whom was referred

S. B. No. 217,

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of
the Senate.Sir: We, your Committee on Peni-
tentiaries, to whom was referred

S. B. No. 113,

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of
the Senate.Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 103, A bill to be entitled
"An Act to correct malpractice in the
building construction industry by
safeguarding the public against the
irresponsible practice of the profes-
sion of architecture; creating a Board
of Architectural Examiners; provid-
ing for appointment of the Board;
fixing the terms of office; providing
for appointment of their successors
and for filling vacancies; fixing the
qualifications of the members of said
Board; requiring each member to
take the oath of office and file same
with the Secretary of State; provid-
ing for the election of various offi-
cers of said Board; requiring the
bonding of the secretary-treasurer;
providing for the adoption of neces-
sary rules, regulations and by-laws
of said Board to govern its proceed-
ings and activities; prescribing the
duties of the various members of said
Board; and declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1935.

Hon. Walter F. Woodul, President of
the Senate.Sir: We, your Committee on Edu-
cation, to whom was referred

S. B. No. 256, A bill to be entitled
"An Act providing for payment of
the Ex-officio County Superintendent
of Public Instruction in all counties
having not less than four thousand
nine hundred and nineteen (4,919)
and not more than four thousand
nine hundred and twenty (4,920)
population according to the last pre-
ceding Federal census, from the
County Available School Fund; re-
pealing all laws and parts of laws in
conflict herewith, and declaring an
emergency.

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

DUGGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of
the Senate.Sir: We, your Committee on Stock
and Stock Raising, to whom was
referred

S. B. No. 58, A bill to be entitled
"An Act amending Article 7009 Re-
vised Civil Statutes of 1925 so as to
provide that one member of the
Live Stock Sanitary Commission shall
be appointed for a term of two years;
one for a term of six years and that
thereafter the term of office of said
members shall be for six years; pro-
viding the qualification of said mem-
bers and for the execution of a bond;
providing for the date upon which
their term shall expire; defining the
word 'commission'; and declaring
an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass,
with committee amendment, and be
printed.

NEAL, Chairman.

Committee Amendment.

Amend S. B. No. 58 by striking
out Section 1 thereof and insert the
following:

Article 7009. The Live Stock Sani-
tary Commission of the State of
Texas shall be composed of three
members to be appointed by the Gov-
ernor of the State with the consent

of the Senate. The duly appointed qualified and acting members of the said Live Stock Sanitary Commission, when this Act goes into effect, are hereby specifically continued in office; one to serve two years, one to serve four years and one to serve six years from and after January 20, 1935, and until their respective successors shall be appointed and qualified. Thereafter at the expiration of the term of each member of the Board his successor shall be appointed by the Governor of the State with the consent of the Senate and shall serve for a term of six years or until his successor shall be appointed and qualified. Each commissioner shall give a bond payable to the State of Texas in the sum of Ten Thousand Dollars to be approved by the Comptroller of Public Accounts of the State. Each commissioner shall be a bona fide resident of and a practical live stock raiser in the community from which he may be appointed and shall have been actively engaged in said business for at least five years next preceding the date of his appointment; one of said commissioners shall be appointed from the West; one from the South and one from the Eastern portion of Texas.

"Upon the effective date of this Act or as soon thereafter as practicable the Governor shall file with the Secretary of State a letter designating which of the members of said Live Stock Sanitary Commission shall serve two years, which shall serve four years and which shall serve six years, and he shall also designate one member thereof to act as chairman of said commission until the inauguration of the next Governor. Thereafter the incoming Governor each biennium, upon his inauguration shall have the power and authority to designate the chairman of said commission. The word 'commission' as used in this Act or Chapter 8 of Title 121, Revised Civil Statutes of 1925, and amendments thereto, shall mean the Live Stock Sanitary Commission of the State of Texas."

Committee Room,

Austin, Texas, Feb. 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 26, A bill to be entitled "An Act prohibiting the taking of minnows for the purpose of sale from

certain waters of Panola County; providing the transportation by any one person at one time of more than one hundred and twenty-five (125) minnows beyond the borders of Panola County; providing for a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

SHIVERS, Chairman.

Committee Amendment.

Amend H. B. No. 26, Sections 1, 2, and 4, by adding after the word "Panola" where it appears in said sections the words "and Comal," and by striking out the word "County" wherever it appears in said sections and inserting in lieu thereof the word "Counties." Amend caption to conform.

Committee Room,

Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your committee, authorized by Senate Resolution No. 120, beg leave to submit the following report.

BECK, Chairman,
REDDITT,
POAGE,
MARTIN,
WOODRUFF,
WOODWARD.

Letter of Transmittal.

Austin, Texas, Feb. 20, 1935.

His Excellency, Governor James V. Allred.

Hon. Walter Woodul, President of the Senate,

Hon. Coke Stevenson, Speaker of the House, and

The Legislature of the State of Texas.

Sirs: Pursuant to Senate Resolution No. 120, passed at the Regular Session of the 43rd. Legislature, May 26, 1933, we your committee appointed in compliance with said resolution, beg leave to report as follows:

The committee met in the Senate Finance Room on June 1, 1933. Those present were: Purl, Poage, Woodruff, Redditt, Martin, Wood-

ward. Senator J. W. E. H. Beck was elected chairman.

Herewith is the report of your committee regarding the results attained in the investigation of the scholastic census of Texas.

Report and Recommendations
of the
Senate Investigating Committee
43rd. Texas Legislature
1933-34

Investigating
Irregularities
of State
Government

THE STATE OF TEXAS

Members
of
Committee

Senator J. W. E. H. Beck, Chairman
Walter C. Woodward
H. Grady Woodruff
W. R. Poage
George C. Purl
John S. Redditt
Will M. Martin

Agents of Committee

John Olsen, Director School Census,
State Dept. Education
Genevieve Neville, Secretary, State
Dept. Education

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Exhibits (7). . These Exhibits are filed with the Chairman of the Senate Investigating Committee (Selections of parts of the transcripts of the hearings of the committee are also on file with the committee chairman.)

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Constitutional Provision Relating to
School Census
Census Law

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the Scholastic Census of Texas

A Comparative Study of Census Re-
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Defects of the Present Method of
Texas School Census

Suggested Improvements of the Pre-
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Special Cases

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EXHIBITS.

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SENATE RESOLUTION NO. 120.

Senator Martin, et al, sent up the
following resolution:

Providing for the creation of a
Senate Committee to inquire into
the application of the fee system of
Texas, in conformity with the work
of the Fee Committee appointed by
zens of Texas.
the 42nd Legislature; authorizing
an inquiry by said Committee into
tax delinquencies as such delinquen-
cies affect the State revenue; and
authorizing an inquiry into the af-
fairs of State departments in the ad-
ministration of affairs generally af-
fecting the expenditures of public

funds and other affairs of such departments touching the welfare of the citizens of Texas.

WHEREAS, attention of the Senate has been called to the effective and economical work of the Senate Fee Committee appointed by the Senate of the 42nd Legislature, and

WHEREAS, it is apparent to every observant person that the State has due it millions of dollars in delinquent taxes exclusive of ad valorem taxes, and

WHEREAS, many departments of the State Government are charged with the duty of collecting taxes and are deficient in this work, and

WHEREAS, the taxpayers are burdened almost beyond the ability to pay the operating expenses of government, largely because of the delinquency in tax payments, and

WHEREAS, the saving of practically one million dollars to the taxpayers by the 42nd Senate Fee Committee justifies a continuation of the splendid work launched by said Committee, now therefore be it

RESOLVED by the Senate:

Section 1. That the President of the Senate be and he is hereby authorized to appoint a Committee of five members of the Senate, together with the Chairman of the Committees on Civil Jurisprudence and Criminal Jurisprudence to sit at intervals during the vacation of the 43rd Legislature, whose duties shall be to continue an inquiry into the application of the fee system in Texas; to inquire into tax delinquencies as such delinquencies apply to the State Revenue; to inquire into the collection of taxes, fees, and assessments by various departments of the State Government and the expenditures of said taxes, fees and assessments exclusive of legislative appropriations; and to inquire into other affairs and activities of governmental departments and institutions of whatever kind or character, as such activities affect the financial or other welfare of the citizens.

Section 2. That said Committee shall have power to formulate its own rules of procedure and evidence and to provide for its own hours for meeting and adjourning; said committee shall sit in the Capitol at Austin during its sessions, and sessions of said committee shall be open to the public, except at such times

as the committee, by a majority vote may determine to hold an executive session. The Chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employees, and its Sergeant-at-Arms.

Section 3. That the Committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served by either the Sergeant-at-Arms appointed by said committee or any Sheriff or any constable of this State. Said committee shall have power to inspect and make copies of any books, records or files of departments and institutions and any and all officers and/or employees of departments and institutions under investigation by said committee, and of any county or political subdivision of the State, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with departments and institutions and any and all officers and/or employees of departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed.

Section 4. The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Section 5. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation.

Section 6. That said committee may call upon the Attorney General's Department, Auditing Department, Ranger Department and all other Departments for assistance and advice and it shall be the duty of the Attorney General's Department to

render opinions, give counsel and assistance to said committee upon request of the Chairman or members of said Committee.

Section 7. That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-fourth Legislature. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the regular session of the Forty-third Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said regular session of the Forty-third Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

Section 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

Martin, Beck, Moore, Murphy, Patton, Pace, Greer, Purl.

Read and adopted.

Committee Appointed.

The Chair announced the appointment of the following committees:

Members of Committee authorized by Senate Resolution No. 120: Senators Beck, Martin, Purl, Poage, Redditt, Woodruff, Woodward.

Introduction.

Your committee was instructed, under Senate Resolution No. 120, "to inquire into other affairs and activities of governmental departments and institutions of whatever kind or character, as such activities affect the financial or other welfare of the citizens of Texas." Complying with this instruction the committee on May 26, 1933, decided to direct an inquiry into the matter of a study of scholastic census.

Under the present scholastic census law as provided in statute and authorized by Constitution, local and district officials in many cases are paid from available school fund

which has been fixed by statute, and resulting from an enumeration of scholastics a definite sum of money is paid for each name which is finally approved in the census.

Early in our investigations it was discovered that in some instances flagrant and wide-spread abuses had grown up under this system. In the various sections of the matters attached hereto you will find a study made of the difficulties of securing an accurate school census under our present method. Taken as a whole the specific instances of abuses, together with its tremendous cost constitute a challenge to the good intentions of all people who desire honest school administration.

Constitutional Provision Relating to School Census.

Article VII.

Section 6. (5) —and all interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the Legislature may add not exceeding one per cent annually of the total value of the permanent school fund; such value to be ascertained by the Board of Education until otherwise provided by law; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population, and applied in such manner as may be provided by law.

Census Law.

Sec. 183 (2816) Taking Census—The county superintendent and the board of trustees of the independent school districts, on the first day of each January or as soon as practicable thereafter, shall appoint one of the trustees of each school district, or some other qualified person, to take the scholastic census, who shall be known as the census trustee of the district. The census trustee between the first day of March and

the first day of April after his appointment, shall take a census of all the children that will be over six and under eighteen years of age on the first day of the following September, and who are residents of the school district on said first day of April. In taking the said census he shall visit each home, residence, habitation and place of abode, and shall by actual observation and interrogation, enumerate the children thereof in the following manner: He shall use for each parent, or guardian or persons having control of any such children, a prescribed form showing the name, color and nationality of the person rendering such children, the name and number of the school district in which the children reside, and the name, sex and date of birth of each such child of which he is a parent or guardian, or of which he has control. The census trustees shall require such forms to be subscribed and sworn to by the person rendering the children, and he is authorized to administer oaths for this purpose. When the census trustee visits any home or house or place of abode of a family, and fails to find either the parent or any person having legal control, he shall leave the prescribed census blank for the use of parents at such home or place of abode, with a note to the parent or guardian having legal control of such child or children, requiring that the form be filled out, signed and sworn to, and that the blank, when so filled out, shall be delivered by the parent or person having legal control of the child or children to the census trustee.

Sec. 184 (2817) Duty of Census Trustee. Only children of the same family shall be listed on one form; and if one person has under his control children of different family name, he shall use a separate form for each family name. The census trustee shall arrange the forms for white and colored children separately, in alphabetical order, according to the family name of the children reported thereon. He shall also make, on a prescribed form, separate census rolls for the white and colored children of the district, showing the name, age, sex and color of each child, and the name of the parent, guardian or person hav-

ing control of said child, by whom it is reported. He shall also make a summary of his rolls showing the number of such children of each race of scholastic age. He shall make oath to all his rolls and summaries, and to the faithful and accurate discharge of his duties, and deliver said rolls, with the forms arranged in alphabetical order, to the county superintendent on or before June first next after his appointment.

A Short History of the Growth of the Scholastic Census of Texas.

The state Constitution of 1845 provided for a system of "Free Public Schools," but no law was enacted until 1854. This same constitution required that one-tenth of the annual revenue from taxation be set aside as a "General School Fund."

The law of 1854 required that a list of all free white population between the ages of 6 and 16 years be made each year in every county, and a copy of this list be sent to the State Treasurer on or before the first of July of each year. The list was to designate the number of such ages in each district in the county. The interest arising from the \$2,000,000 Special School Fund was to be apportioned by the State Treasurer to the several counties according to the number of the population of scholastic age. None of this money could be drawn by any school district until it had provided "a good substantial school house with the necessary seats and other fixtures," and the money could only be used to pay teacher's salary. The trustees were to pay the teacher's salary and any remainder was to be divided equally among the patrons of the school according to the number of pupils and the time spent in school by each pupil. If the teacher's salary was more than the fund amounted to, each patron was to pay his share of the salary, and all those who could not pay their share were to make proper affidavit to the Chief Justice of the county, and the State Treasurer was to pay the amount. Very few districts qualified for this money.

The law of 1856 changed the age to 6 to 18 years. The fund was divided to the several counties according to the scholastic population. The fund in each county was divided to

the children according to the time spent in school. After expenses of teaching were paid, the remainder was to be divided among the paying patrons of the school according to the children's attendance. The apportionment was made at the end of the year.

The law of 1858 provided that the county court was to decide who were unable to pay tuition, and the rate of tuition was fixed not to exceed ten cents a day for attendance.

The law of 1860 defined indigent children. This definition was applicable to children in 1856, 1858, and 1860. Only indigents were permitted to share in the State School Fund.

The law of 1866 required a list to be made of all free white population annually between the ages of 6 and 18 years. The State School Fund was divided in proportion to the scholastic population of the several counties. The police court was to apportion the fund. In addition to paying the teachers, the school fund might be used to build school houses and to pay tuition.

The school law of 1870 lowered the scholastic age from 6 to 16. The annual census was still required.

The law of 1871 changed the age back again to 6 to 18.

The law of 1876 changed the school age to 8 to 14. An annual school census of white and colored children was required to be made separately. The school fund was to be used for the education of white and colored children impartially.

The law of 1884 changed the school age to 8 to 16 years.

The law of 1885 provided that the census of the district be taken by district trustees under the county judge's supervision, and this law provided, for the first time, that compensation should be paid for taking school census.

The law of 1887 provided that the county judge might have compensation for supervision of census. He was entitled to receive \$25.00 for every \$500.00 distributed and \$50.00 for every \$1000.00 distributed and after that \$10.00 for each additional \$1000.00 distributed. The school age was retained at 8 to 16.

The law of 1895 provided that the white and colored children

not be taught in the same school, and a provision was made that in case a district had less than 20 pupils of scholastic age, the county judge was to consolidate this group with others. This law provided that a scholastic census should be taken in 1898 and every year thereafter; that the county superintendent should appoint census trustees on the first of January. He was to take a school census between the first day of May and the first day of June of all children over 8 and under 17 on the first day of the following September.

The law of 1903 changed the ages from 7 years to 17 at the beginning of the scholastic year.

The law of 1908 provided for the creation of certain types of districts and made the area of the district 16 square miles and provided the power to levy a local maintenance tax for the support of the local schools. The school census determined the type of district.

The law of 1911 provided for county line districts and also provided for the method of taking a school census in county line districts.

The law of 1917 provided for rural state aid and limited the amount upon the scholastic population and also upon attendance.

In 1921 the law provided a requirement for receiving special state aid, which was that the district must have twenty times the number of scholastics as teachers. The special appropriation was made this year for the investigation of padded census rolls and the retaking of the census of certain districts.

The law of 1925 changed the scholastic census age to 7 to 18.

In 1929 the law changed the age to 6 to 18.

In 1933 a special act was passed providing for the investigation and checking of scholastic census, and an appropriation was made of \$7000.00 for each year of the biennium.

In recent years, beginning with 1918, a small amount has been appropriated by each Legislature for the purpose of filing and collecting census reports. The appropriation in no year amounted to much more than \$2000.00 except in 1921 and 1933.

SCHOLASTIC POPULATION, APPORTIONMENT, 1872-1934.

Table Showing Annual Apportionment of State Funds to Public School Support.

Year.	Scholastic population.	Apportionment.		Year.	Scholastic population.	Apportionment.	
		Per capita.	Total.			Per capita.	Total.
1872	228,355	\$ 1.81	\$ 450,518	1904	765,966	\$ 5.00	\$ 3,829,830
1874	269,451	1.95	612,878	1905	782,693	5.00	3,913,465
1875	313,061	1.59	497,767	1906	798,675	5.25	4,193,044
1876	340,000	1.47	499,800	1907	869,864	5.00	4,349,320
1877	154,520	2.82	479,400	1908	893,441	6.00	5,360,646
1878	168,294	4.50	757,323	1909	914,628	6.75	6,173,739
1879	208,324	4.25	869,474	1910	949,000	6.25	5,931,288
1880	230,527	3.00	679,317	1911*	968,269	6.50	6,293,749
1881	261,871	3.00	785,613	1912	991,400	6.80	6,741,581
1882	266,709	3.25	900,000	1913	1,017,133	6.85	6,967,361
1883	295,457	3.61	1,068,323	1914	1,048,570	7.00	7,339,990
1884	311,134	4.50	1,399,873	1915	1,096,467	8.00	8,771,736
1885	406,932	5.00	2,034,100	1916	1,129,152	6.00	6,775,366
1886	452,678	5.20	2,353,925	1917	1,223,219	7.00	8,562,533
1887	489,795	4.75	2,326,526	1918	1,232,219	7.50	9,241,643
1888	507,878	4.50	2,285,451	1919	1,215,567	7.50	9,166,753
1889	528,110	4.00	2,112,440	1920	1,233,860	8.50	10,487,810
1890	545,616	4.00	2,182,464	1921	1,271,284	14.50	18,427,863
1891	565,672	4.50	2,545,524	1922	1,297,991	13.00	16,873,883
1892	583,835	4.50	2,627,257	1923	1,296,596	10.00	12,966,960
1893	605,495	5.00	3,027,475	1924	1,304,200	12.00	15,651,240
1894	630,399	4.50	2,836,363	1925	1,321,600	14.00	18,502,400
1895	693,751	3.50	2,428,132	1926	1,340,083	14.00	18,761,162
1896	718,640	3.50	2,515,271	1927	1,348,635	14.00	18,880,890
1897	752,041	4.00	3,006,164	1928	1,370,082	15.00	20,551,230
1898	777,431	4.00	3,109,724	1929	1,399,791	15.00	20,996,960
1899	708,125	4.50	3,186,562	1930	1,426,859	17.50	24,445,932
1900	706,546	4.25	3,002,820	1931	1,565,215	17.50	27,391,262
1901	720,217	4.75	3,463,790	1932	1,567,704	17.50	27,434,820
1902	739,573	4.75	3,512,971	1933	1,575,428	16.00	25,206,848
1903	759,358	5.00	3,796,790	1934	1,558,696	16.50	24,939,136

*Figures are for fiscal years ending August 31, beginning with 1911; prior to that time they are for calendar years.

A Comparative Study of Census Requirements of Forty Seven States.

We, your Committee, have made a careful study of the legal requirements of all the States as pertains to the taking of a school census. The study covers the following phases of this subject:

1. How often is a school census taken?
2. What is the purpose for which the census is taken?
3. Who has the final approval of the school census?
4. Are the census enumerators paid, if so, by whom, and how?
5. Is a complete census required?
6. What are the lower and upper age limits?
7. What is the basis for the apportionment of the state school fund?

Your Committee found that 29 of the states take a school census each and every year. We found that 8 states take a school census each two years; one state each three years; one state each four years; and three states take a school census only every five years. Two states (Ari-

zona and Florida) do not take a school census. In one state (Illinois) a school census is taken in certain school districts only. In one state (Nevada) the State Board may require a school census to be taken any year in any or all the school districts of the state. New York state requires all the cities to keep a Continuing School Census. In this state all the school districts outside of the cities are required to take an annual school census. Michigan provides for a Continuing School Census, but requires that it be taken annually in order to keep it correct and up to date. In North Carolina the State Board of Education is directed to set up a Continuing School Census. The State Board of Education is given authority to adopt any rules and regulations necessary to install and keep going such a system.

We found that some of the states have more than one purpose in taking a school census. Twenty states use the school census to help enforce the compulsory school laws. Two states take a school census for general information only. Three states use the school census in connection with a system of child accounting. Twenty-five states use the school cen-

sus as a basis for distributing school funds. Thirteen states use the school census to discover and better aid the handicapped children.

We found that the school census is approved by the local unit in 12 states; by the county in 17 states; and by the state agency in 15 states.

We found that 25 states provide for the payment of the school census enumerators. Eleven of these states pay the enumerators on a "per capita" basis. Some of the states require the teachers to take the school census without extra pay. In some states this work is part of the regular duties of the school attendance officer, or the clerk of the district school board.

Forty states require a school census of some kind for the entire state.

We found a great variation in the ages included in the school census of the different states. Two states require the school census to begin at birth. The lower age limit is 3 years in one state. It is 5 years in 12 states; it is 6 years in 22 states; it is 7 years in one state and 8 years in one state.

The upper age limit is to 14 years in one state; to 16 years in 5 states; to 18 years in 13 states; to 20 years in 5 states and to 21 years in 19 states.

We found that four states apportion all the state common, or available school fund, on the basis of the school census. Eight states apportion the greater part of the state school fund on a census basis, and 13 other states distribute a part of the state school fund on the basis of the school census. This makes 25 states that apportion all or a part of the state school fund on the basis of the number of school children in each district.

Four states apportion the state school fund on the basis of the number of teachers employed; eleven states on the basis of the average daily attendance; three states on the basis of the school enrollment. One state (North Carolina) has adopted a complete equalization program based on several factors. Four states apportion the state school fund on a "classroom unit" basis. Thirty five states use a combination of two or more factors as a basis for the apportionment of the state school fund.

We are including a very recent comparison of expenditures for public education of the various states. Attention is especially directed to column No. 6, showing percentage of scholastic children to the total population, keeping in mind that some counties in Texas show as high as forty plus per cent.

WEALTH OF STATES AND THEIR EXPENDITURES FOR EDUCATION.

(Table prepared by W. G. Carr, Director Bureau Research, N. E. A.)

States	Value of tangible wealth 1930	Estimated income 1930	Population ages 6 to 17 years 1930	Total population 1930	Percent of total population ages 6 to 17 years	Wealth per child ages 6 to 17 years	Income per child ages 6 to 17 years	Expenditure per child in attendance
1	2	3	4	5	6	7	8	9
United States.....	322,735,000,000	\$72,141,000,000	29,066,072	122,775,046	23.67	\$11,103.50	\$2,481.97	\$1,000.00
Alabama	3,065,000,000	763,973,190	750,560	2,646,248	28.36	4,083.45	1,017.83	1,000.00
Arizona	1,366,000,000	241,672,350	106,735	435,573	24.50	12,798.05	2,264.23	1,000.00
Arkansas	2,655,000,000	598,048,890	513,794	1,854,482	27.71	5,167.44	1,163.99	1,000.00
California	15,433,000,000	3,546,451,560	1,047,263	5,677,251	18.45	14,736.51	3,386.40	1,000.00
Colorado	3,286,000,000	707,708,210	240,326	1,035,791	23.20	13,673.09	2,944.76	1,000.00
Connecticut	5,465,000,000	1,123,235,370	373,105	1,806,903	23.22	14,647.35	3,010.51	1,000.00
Delaware	646,000,000	163,760,070	53,417	238,380	22.41	12,093.53	3,065.69	1,000.00
District of Columbia.....	1,729,000,000	515,908,150	80,969	486,869	16.63	21,348.58	6,368.87	1,000.00
Florida	2,532,000,000	440,060,100	348,616	1,468,211	23.74	7,263.01	1,262.31	1,000.00
Georgia	4,005,000,000	1,042,437,450	825,211	2,908,506	28.37	4,853.30	1,263.24	1,000.00
Idaho	1,593,000,000	266,921,700	117,446	445,032	26.39	13,563.68	2,272.72	1,000.00
Illinois	22,655,000,000	5,559,906,870	1,635,445	7,630,654	21.43	13,852.50	3,399.63	1,000.00
Indiana	9,045,000,000	1,762,404,630	719,734	3,238,503	22.22	12,567.14	2,448.69	1,000.00
Iowa	10,686,000,000	1,404,585,270	567,130	2,470,839	22.95	18,842.24	2,476.65	1,000.00
Kansas	6,369,000,000	1,075,622,310	438,812	1,830,969	23.33	14,514.19	2,451.21	1,000.00
Kentucky	3,664,000,000	1,004,202,720	688,959	2,614,589	26.35	5,318.17	1,457.57	1,000.00
Louisiana	3,506,000,000	794,993,820	557,200	2,101,593	26.51	6,292.18	1,426.77	1,000.00
Maine	2,068,000,000	486,951,750	179,594	797,423	22.52	11,514.86	2,711.40	1,000.00
Maryland	4,100,000,000	1,086,443,460	370,291	1,631,526	22.70	11,072.37	2,934.03	1,000.00
Massachusetts	13,989,000,000	3,004,164,360	922,537	4,249,614	21.71	14,513.24	3,906.80	1,000.00
Michigan	11,781,000,000	2,713,223,010	1,096,427	4,842,325	22.64	10,744.90	2,474.60	1,000.00
Minnesota	8,741,000,000	1,416,849,240	606,753	2,563,953	23.66	14,406.19	2,335.13	1,000.00
Mississippi	2,237,000,000	523,022,250	562,343	2,009,821	27.98	3,978.00	930.06	1,000.00
Missouri	10,245,000,000	2,056,018,500	792,170	3,629,367	21.83	12,932.63	2,596.43	1,000.00
Montana	2,290,000,000	356,376,540	131,042	537,006	24.38	17,475.31	2,719.56	1,000.00
Nebraska	5,419,000,000	745,937,940	329,809	1,377,963	23.93	16,430.72	2,261.73	1,000.00
Nevada	547,000,000	75,026,640	17,452	91,058	19.17	31,343.11	4,299.03	1,000.00
New Hampshire.....	1,418,000,000	301,549,380	100,439	465,293	21.59	14,118.02	3,002.31	1,000.00
New Jersey.....	12,149,000,000	2,649,017,520	911,617	4,041,334	22.56	13,326.87	2,905.84	1,000.00
New Mexico.....	874,000,000	178,909,680	115,960	423,317	27.39	7,537.08	1,542.86	1,000.00

New York-----	37,766,000,000	11,007,273,780	2,580,891	12,588,066	20.50	14,632.93	4,264.91
North Carolina-----	4,719,000,000	941,440,050	942,466	3,170,276	29.73	5,007.08	998.91
North Dakota-----	2,490,000,000	306,599,250	188,751	680,845	27.72	13,191.98	1,624.36
Ohio-----	19,068,000,000	4,192,113,510	1,472,379	6,646,697	22.15	12,949.11	2,847.17
Oklahoma-----	4,048,000,000	1,057,587,060	633,516	2,396,040	26.65	6,339.70	1,656.32
Oregon-----	3,504,000,000	603,098,760	198,709	953,786	20.83	17,633.83	3,035.09
Pennsylvania-----	29,614,000,000	6,706,227,360	2,350,689	9,631,350	24.41	12,597.95	2,852.87
Rhode Island-----	1,982,000,000	529,514,940	156,408	687,497	22.75	12,671.99	3,385.47
South Carolina-----	2,476,000,000	585,063,510	544,284	1,738,765	31.30	4,549.10	1,074.92
South Dakota-----	3,024,000,000	353,490,900	180,279	692,849	26.02	16,774.00	1,960.80
Tennessee-----	4,373,000,000	877,955,970	690,063	2,616,556	26.37	6,337.10	1,272.28
Texas-----	10,067,000,000	2,601,404,460	1,469,039	5,824,715	25.68	6,729.10	1,738.86
Utah-----	1,582,000,000	258,966,190	141,197	507,847	27.80	11,204.20	1,834.22
Vermont-----	863,000,000	212,815,950	80,669	359,611	22.43	10,698.04	2,638.14
Virginia-----	5,046,000,000	1,005,645,540	658,328	2,421,851	27.18	7,064.90	1,527.58
Washington-----	5,242,000,000	1,083,557,820	331,179	1,563,396	21.18	15,828.30	3,271.82
West Virginia-----	4,617,000,000	778,401,390	475,273	1,729,205	27.49	10,135.23	1,637.80
Wisconsin-----	8,084,000,000	1,652,750,310	686,826	2,939,006	23.34	11,787.25	2,409.87
Wyoming-----	1,014,000,000	181,795,320	52,912	225,565	23.46	19,163.89	3,435.81

Sources of data: Figures of column 2 are estimates of the National Industrial Conference Board. The national figure on 3, is an unpublished estimate by the National Bureau of Economic Research. This total was distributed among the states on total national income found in each state in the years 1919, 1920, and 1921, as estimated by the National Bureau of Economic Research. Figures of column 4 and 5 are from the U. S. Census. Those of column 9 are from U. S. Department of Interior, Office of Education.

FEBRUARY
1934

Defects of the Present Method of Texas School Census.

The Senate Investigating Committee reports that in their opinion the present statutes governing the taking of Texas scholastic census contain the following defects:

1. The funds available to the State Department of Education are insufficient to make a complete investigation of the scholastic census rolls.

2. The present method permits the rendering of non-resident scholastics in a district who are in attendance upon institutions of higher learning or institutions of learning not located in their home district.

3. Punishment of individuals falsifying to any scholastic census information needs that the furnishing of information to proper officials be made mandatory.

4. The present method of school census requires that a person swear to his residence at a date after he has rendered his children whereas he should swear to his residence at a date prior to the rendition of his children.

5. The present method encourages false statements from persons rendering children in order to avoid paying tuition.

6. There is no authority given to anyone to make the records show the correct age of any child as compared to previous years records although the county superintendent or the State Department of Education might know that the record did not speak the truth.

7. The present method of taking school census permits children to be enumerated in adjacent districts in the same county and two or three counties across county, state and national boundary lines.

8. Either the husband or the wife or both can make the rendition of step-children and each one giving in the others children in their own surname.

9. The insertion of fictitious names occurs in the taking of school census, a practice found to be existing to a surprising degree in certain sections of the State.

10. The present compensation in many instances is insufficient to insure in some localities a correct school census.

11. No provision is made for a

supplemental census. Neither is there a provision for denying a supplemental census, rendered necessary by the omission of legal scholastics in the month of March.

12. The present method of transfers of scholastics is unsatisfactory. One child is supposed to be permitted to transfer to another district where school conditions might be more suitable. The county superintendent in many instances will not make the transfer, and this has led to a large amount of dissatisfaction and hardships. The rural aid law requires a specific number of children to be left in the district after transfer to entitle them rural aid to a fixed number of teachers. This causes a denial of transfer, and in some instances causes a transfer even though the parent or guardian does not desire it. Some districts refuse even though a transfer is legally made to pay a debt legally owed.

13. Under the present system the law provides for free attendance in public schools between the ages of 6 to 21 inclusive, regardless of the fact that the child may have previously completed the course of study in the public school.

14. The fixing of the county superintendent's salary upon the number of children residing in the county disregarding the number of children supervised, especially in some isolated cases such as Potter and Lamb, is subject to criticism.

15. The present method of providing funds for the accurate checking of scholastic census rolls is to be criticised because funds are appropriated from the General Revenue for this purpose.

Suggested Improvements of the Present Method of Taking School Census.

Provided that the present annual method of taking school census is satisfactory to the Legislature, the Senate Investigating Committee suggests the following improvements in the accomplishment of the annual school census:

1. The committee recommends that sufficient funds be made available to the State Department of Education for the investigation, checking, corrections, study and the detection of fraud where necessary in the scholastic census rolls.

2. It is recommended by the committee that a law be properly drawn prohibiting the enrollment of any non-resident scholastic in a district who is in attendance upon any institution of higher learning or any institution of learning not located in his home district and making it a finable offense coupled with a nominal jail sentence to any school official of the institution concerned from rendering said child or children.

3. It is recommended that it be made mandatory on the State Superintendent of Schools through his authorized agents to file complaint against any individual falsifying in any respect any scholastic census record and venue for prosecution of any violation of census law be fixed in Travis County.

4. It is recommended by the committee that the scholastic census of Texas be taken each year during the month of March and that the date of residence of such census be taken as of March first.

5. It is recommended that a reasonable fine be assessed against any individual who knowingly renders a child for public school census under the age of six or over the age of 17 on the first day of September.

6. It is recommended with reference to the duties relating to scholastic census that it shall be the duty of the county school superintendent to make comparison of ages of those children rendered more than once in the same county so that the ages of the children will advance regularly, and it should be mandatory upon all officials who have to do with scholastic census that when a child's age through normal growth advances one year annually to eliminate from the scholastic census records this child when it shall have become 18 by such record. In no event shall any apportionment be paid on any child for a series of more than 12 years.

7. It is recommended that the present law be amended so as to provide full and competent authority to the State Department of Education to strike from any scholastic census roll the name of any scholastic placed thereon which in the opinion of such State Department is not legally entitled to be placed on such scholastic census roll.

8. It is recommended by the

committee that in order to prevent step-parents from rendering children the law should designate in families containing step-children that only the mother or father or person in charge be permitted to render the family.

9. It is recommended that a proper law be drafted providing punishment for the adding of names to a bona fide scholastic census blank. The official census trustee for the district is the proper custodian of the blanks and if additional or fictitious names are inserted on these blanks such insertion shall be prima facie evidence that the census trustee is the person responsible for such additions. Family census blanks should in no event be permitted to become in the possession of any individual other than the census trustee except when he returns them to the county school superintendent with his sworn reports. Any individual discovered and proven to have padded the school census rolls in a court of competent jurisdiction should be penalized by fine and punishment in the county jail; both such fine and jail sentence should be of nominal amounts and terms.

10. It is the committee's opinion that the present amounts paid for enumeration per capita are insufficient in many sections of Texas. That in towns we find the rate is too low to secure competent assistance and in thinly settled counties that the rate per capita is extremely small, and it is impossible for thinly settled counties to secure a school census for the amount at present authorized.

11. It is the opinion of the committee that the addition of supplements to the scholastic census inevitably leads to duplication of children's names. It is the opinion of the committee that a statute should be passed prohibiting the acceptance by the State of any supplementary census after the month of March.

12. It is the opinion of the committee that due to the fact that the transfer question is of great interest to different school districts, though itself not a census question, that transfers from one district to another should be made under certain conditions, and we find in many instances that even though these conditions are necessitous in nature that

the county superintendent will not make the transfer. A proper statute should be passed relating to this question placing on the State Board of Education the duty of making such rules governing the right of transfer as they may see fit and authorizing the State School Superintendent or his agents to make all transfers which conform to the State Board of Education's rules and payment for said transfers made as if the scholastics transferred therein were residing in the district and were included in the original school census of the district.

13. It is the opinion of the committee that the present set-up of scholastic census is subject to criticism because it permits free attendance in public schools through the ages 6 to 21 in the district where the child lives. This necessitates the continuance in school within the ages if the scholastic finishes the course of study offered by the school. It is recommended by the Committee that a statute be passed providing that pupils shall be permitted to attend public free schools in the district where they live until they are 21 or until they have graduated from the public schools located in the district where they live.

14. It is recommended by the committee that in counties where the scholastic population is below a reasonable number of scholastics and yet the present law requires a county superintendent that sufficient counties be combined under one county superintendent's jurisdiction so that the per capita cost of those children supervised would be a reasonable cost for such supervision, and further, that if a group of counties are unified for county superintendent's supervision said county superintendent should be selected by the State Superintendent of Schools.

15. It is recommended by the committee that the cost of the accurate checking of scholastic census rolls be borne by that part of the available school fund not prohibited by the Constitution.

Modern Method of Census Accounting.

For the information of interested legislators there is included herewith a statement as to the most modern method of census account-

ing known to school authorities in the United States. There is what is known as the Continuing Census adopted by two entire states and in some portions of another state.

An investigation was had by the Senate Investigating Committee and under its direction of the efficiency of this method in the city schools of Denver, Colorado. This system contemplates that children are added to the census rolls at birth and are carried until they reach the age of 22 years, being deleted from the roll either when they move out of the unit or when they die and being added to the roll when they move in or are born. The practical accounting is done in the office of the city superintendent of schools and is very efficiently done. The census in the City of Denver is coupled with other informative and worthwhile projects; such as compulsory attendance, handicapped studies, census and social and economic relief. The larger part of the expenses of maintaining the division in the city school administration system of Denver comes from other items than census. The judgment of the head of the Census Division of this system of schools is that the census part of the work could be kept and efficiently kept by three individuals. This accounting is done for 73,000 names listed upon a card to the name.

A check of the outside opinion of the system Denver is now using, in the town of Fort Collins discloses the fact that in the opinion of outsiders Denver had more names on their continuing census than should be on. That they did not try to delete the rolls of any child between the ages of 16 to 22 because such aged children were not within the compulsory attendance age and Denver did not need them off.

A check upon the method of census accounting at Raton, New Mexico, disclosed the fact that the continuing census was in effect in this school district for 2700 children and was efficiently maintained at a cost of less than one-fourth cent per capita. The superintendent of schools expressed the opinion that it would be foolish to discard the continuing census and make a house to house annual canvass.

It is the opinion of the committee that this method of scholastic census is worthy of serious consideration,

both from the standpoint of reducing the cost now incurred by the taking of an annual scholastic census and as a means of reducing the duplication of names on the census roll. The committee believes that if the State Department were given adequate funds to make one complete house to house census under State control to be used as a basis that a continuing census could be efficiently maintained in this State at a much less expense than the present annual census, and that if properly administered, it would give a more complete enumeration, and in any event the committee believes that this State should adopt a system of permanent personal record cards for every child ever enrolled in our public school system, and that no child should be admitted as a transfer into any school without producing his enrollment card in the school from whence he came, and that the school so admitting such child should not be entitled to receive any apportionment by reason of his admittance until the admitting school has furnished the State Department with sufficient information concerning the child's past enrollment to enable the State to move his name from the roll of the school last attended. The committee is also of the opinion that it should be the duty of every school district to report immediately to the State Department all removals from said district, and to this end, it is suggested that the districts utilize the services of teachers and students keeping a check on every dwelling place within the district, and assigning definite areas for individual reports. As a means of securing compliance from uncooperative districts, the committee suggests that the State be authorized to pay a nominal reward of say 50 cents per name for evidence of the removal from the district of any child whose removal has not been reported within thirty days by the proper school authorities, and that such rewards be charged to the negligent districts proportionately.

Special Cases.

There is located in East Texas, a small town of a scholastic population of about 650 scholastics. This place has for many years rendered around 900 children in the scholastic census

It has been suspected by the person in charge of scholastic census for many years that this census was in excess of the true number. With funds provided by the committee and acting under their instruction this case was investigated with the result of discovery and confession by the person guilty that for a period of ten years this number had been reported in excess annually of between 150 and 200 scholastics. That these 150 to 200 children had never resided in this district but were each year placed in the scholastic census roll with the intention of securing a definite fixed number of children so that the schools might be maintained without recourse to drastic reductions in expenses.

A second illustration in one of the largest counties of the great Valley, a small town adjacent to the river has been consistently for several years including in the scholastic census names of children who had no existence in fact. Acting under the authority of the Senate Investigating Committee, the person in charge of school census visited this town and by agreement eliminated nine per cent, which represented 81 scholastics, of the original roll which in his opinion represents approximately one-half of the true excess.

Without the necessity of visiting but by record proof alone there were eliminated from an extreme East Texas county 646 scholastics. This was accomplished by employees of the Senate Committee acting under the supervision of the director of census, giving an intensively close check of preceding records of scholastic census names.

Another district lying in the upper lower Valley was checked on the ground by the director of census, acting under the authority of the Senate Investigating Committee and with money furnished by them, and many names of scholastics not resident in the district were found to be in the scholastic census roll, and upon final agreement with the school authority of the district nine per cent, which represents 72 scholastics, of the scholastics were eliminated, and which represented in the opinion of the committee's authorized agent one-half of the excess.

In one of the larger cities of Texas the committee arrived at the conclusion that there were many ex-

cess names included in the scholastic census. After an intensive investigation substantial proof was required to secure any kind of agreed settlement. There was removed from the census roll due to apparent errors proven to be in the census rolls four per cent of the gross submission, which represented in excess names alone in that district 2933 scholastics. The expenses of this investigation in all of its necessary steps was borne by the Senate Committee with the exception of its first checking.

In checking the scholastic census rolls against the enrollment of educational institutions not maintained by taxation, it was discovered in a certain central Texas town that numbers of children rendered in other communities were rendered in the scholastic census of this town. An investigation of this condition led to the discovery that the deans of the institutions had signed family census blanks for the children reported as residents.

An investigation conducted with regard to this matter disclosed that the same community had added names on the family census blanks other than the ordinary handwriting not taken by the census trustee. This matter was satisfactorily adjusted by the person in charge of census by reducing the entire roll 175 scholastics.

Letter of John Olsen, Director
of School Census.

Austin, Texas, Feb. 15, 1935.

Hon. J. W. E. H. Beck, Chairman,
Senate Investigating Committee,
Austin, Texas.

Dear Sir:

In trying to arrive at the results obtained by the Senate Investigating Committee, I am of the opinion that the publicity attendant upon the Committee work, coupled with the knowledge of various persons that the Senate Committee was investigating census conditions is directly responsible for a saving in the actual reduction of presented names to the State Department of Education. In judging the value of the publicity attendant on this investigation, it is my opinion that prior to September first, 1934, this can be accurately figured in dollar valuation

to amount to \$115,000. In view of the fact the census rolls are approved on September first, any saving after that date of Committee investigation is very difficult of computation. However, the continued publicity attendant upon the Committee activity has been of untold value in the various settlements in which I have been connected.

Extra duplications discovered prior to the first of October directly due to Senate Investigating Committee labor is accurately figured at \$29,000. To this is to be added a very worth while project assumed by the Senate Investigating Committee during the Called Session and shortly thereafter in the discovery of many names in the scholastic census rolls which had been carried in various counties since 1922 and were still within the census rolls of the present scholastic year. The concrete effects of this has not as yet been evaluated.

Removal of excess names from census rolls due to investigations conducted by the Senate Investigating Committee is exactly figured at \$60,469.

In actual dollars, prior to October first—reserving to the State Department of Education quite a large saving of dollars—it is estimated that \$205,000 was saved directly by Committee interest and work. Of course, added to this should be a computation of some fine settlements for the State made by the Department since that time but were discovered by labor paid for by the Senate Committee and investigated when possible. I think it is fair to state that this saving can be valued at between fifty and seventy-five thousands of dollars.

Expressed concretely, the State of Texas, normal growth in population should be 23,000 children annually. Instead of this normal gain, the State approved census rolls on September first showed approximately 17,000 names less than the preceding year. At the present time due to various omissions in the rolls on September first, we still have a net reduction under the preceding year of approximately 16,000 names, which reduction within the last day or two has been substantially increased.

Permit me to express to you on behalf of the Department of Educa-

tion and myself as director of the census work my great appreciation for the fine cooperation and assistance of the committee and to thank you and the members of the committee for their unselfish and untiring sacrifice of their personal responsibilities to benefit the State as a whole.

Yours very truly,
JOHN, OLSEN,
Director of School Census,
State Department of Education.

**Savings Effected by the Senate
Committee Investigating Census
Conditions.**

(As estimated by the Director of
School Census for the State Depart-
ment of Education.)

1. Saving from publicity	\$ 115,000
2. Extra duplications discovered and removed prior to September first	29,000
3. Excess names removed from the census rolls due to Senate Investigation	60,469
4. Additional savings effected from check on averaged children approximated	62,000
Total	\$ 266,469

**Expenditure of the Senate Com-
mittee on Census Investigation.**

1. Census Investigation	\$ 3643.77
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**Refunding of Bonds Held by the State
Permanent School Fund.**

Questionnaire.

County

Independent District

1. How long have your bonds been delinquent?
2. Who notified you they were delinquent?
3. What steps did you take to refund your bonds?
4. What assistance did the State Department of Education render you in refunding your bonds?
5. Who represented you in refunding your bonds?
6. How much did you pay to your representative for refunding your bonds?

7. Whom did you pay for refunding your bonds?

Superintendent.

A copy of this questionnaire was sent to each of the districts and counties who had refunded bonds with the State Board of Education held by the State Permanent School Fund.

Many answers were received to the above questionnaire. In general the bonds had been delinquent possibly two or three years. They were notified of the delinquency by a certain printing firm of the City of Austin, and the same printing firm in a majority of cases took necessary steps to prepare information for presentation to the State Board of Education in order to secure the refunding of the bonds. It seems apparent that the Department of Education rendered assistance when possible and when requested to do so.

The average cost of bond refunding to the districts themselves ranged from \$50 to \$500, paid to printing firms.

It is recommended in this connection that there be placed in the Department of Education an individual whose duty it is to prepare necessary forms and assist each of the public school districts in regular and orderly refunding of their delinquent bond payments.

The extremely heavy cost of individual arrangements make necessary that some attention be paid to a regular and orderly handling of this important question.

Copy of Questionnaire.

A copy of this questionnaire was sent to each county and each independent district, with the following results, inclusive of all districts reporting:

To the County and City Superintendents:

1. Total number of names reported to the county superintendent by the census trustees 1,599,464.
2. Net number approved by the State Superintendent 1,575,070.
3. Number removed from the rolls by the check of county superintendent 9,342.
4. Number removed by the State Department on their check 10,895.

5. Total number of census trustees 6,909.

6. How many of your enumerators are school trustees or are related to trustees 3,218.

7. Number of teachers acting as census trustees 1,676.

8. Total gross annual cost of scholastic census \$86,472.41.

9. Give amount paid per capita for actual enumeration 5½c.

10. If some children are missed in first enumeration, state amount paid per capita for securing additional children on second and subsequent enumerations 9½c.

11. Is any investigation or check made as to the accuracy or honesty of the census trustees 754 yes: 154 no.

12. Who selects the census trustee 839 trustees: 16 City Supt.: 116 Co. Supt.

13. Are any requirements made of census trustee on the following items:

1. Education 613. 2. Character 740. 3. Efficiency 775. 4. Familiarity with district line 824. (check those required.)

14. State these requirements-----

15. Does the present system of taking census secure accuracy 806 yes. 112 no.

16. Are there many omissions 139 yes. 777 no. State approximate number 15,989. Are the five year old children put in to avoid tuition 22 yes. 910 no.

18. Are the eighteen year old children retained 22 yes. 906 no.

19. Give total school enrollment for 1932-33 1,278,058.

20. Give the average daily attendance for this school or group of schools for the year 1932-33 1,058,720.

21. In your opinion could the scholastic census be computed annually without actual enumeration by taking an original census of all children from birth through 20 years and adding newly borns and "move in's" and deducting deaths and "move out's" for each year's total 253 yes: 852 no.

22. Are the amounts as fixed by statute for the taking of census sufficient 338 yes: 506 no.

23. Daily average absentees on account of sickness 36,218.

24. Name of disease causing a majority of absentees 43 Mumps: 29 scarlet fever: 47 chicken pox: 26

Malaria: 13 Small pox: 4 pneumonia: 2 sore throat: 2 typhoid fever.

Subscribed and sworn to before me this the ___ day of _____

Notary Public in and for _____ County, Texas.

Respectfully submitted,
Senate Investigating Committee.

BECK,
REDDITT,
POAGE,
MARTIN,
WOODRUFF,
WOODWARD.

Minutes of Committee Meetings.

Minutes of Committee on State Affairs, Held February 19, 1935,
Regular Meeting.

Present: Pace, Blackert, Collie, Cotten, Holbrook, Hopkins, Hornsby, Hughston, Martin, Moore, Oneal, Rawlings, Redditt, Regan, Shivers, Small, Stone, Sulak.

Absent: DeBerry, Fellbaum (both excused).

S. B. No. 103 was reported favorably by viva voce vote with the recommendation it be printed.

S. B. No. 260 was reported with the recommendation it do not pass, but pass with committee substitute in lieu thereof and be not printed.

S. B. No. 188 was referred to a sub-committee.

REEVES, Secretary.

A meeting of the Senate Committee on State Penitentiaries was held in the old Secretary's room on Tuesday, February 19, 1935, at 3:00 p. m., at which meeting the following members of the Committee were present:

Holbrook, chairman, Burns, vice-chairman, Rawlings, Redditt, Regan, Hill, Shivers, Beck, Hopkins, Sulak.

The following members were absent:

Pace (holding State Affairs meeting), DeBerry (sick), Duggan (attending State Affairs meeting).

The following bills were placed before the Committee for consideration:

S. B. No. 217 was placed before the Committee by the author, Senator Burns, for consideration. After discussion it was moved by Senator Rawlings and seconded by Senator Burns that the bill be reported back to the Senate that it do pass and be

printed in bill form. This motion was put to the Committee and carried unanimously.

S. B. No. 113 was placed before the Committee by the author, Senator Burns, for consideration. After discussion it was moved by Senator Rawlings and seconded by Senator Burns that the bill be reported back to the Senate that it do pass and be printed in bill form. This motion was put to the Committee and carried unanimously.

S. B. No. 145 was placed before the Committee by its author, Senator Burns, and after discussion it was moved by Senator Rawlings and seconded by Senator Hill that this bill be set for a special hearing before a joint session of the House and Senate Monday, February 25, 1935, at 7:30 p. m. This motion was put before the Committee for consideration and was adopted by a unanimous vote.

There being no further business the Committee adjourned subject to call by the Chairman.

HOLBROOK, Chairman.

Minutes of Meeting of Committee on Stock and Stock Raising, Held February 19, 1935.

Present: Neal, Oneal, Collie, Poage, Rawlings, Stone.

Excused: Blackert, Fellbaum.

S. B. No. 58 was reported favorably by viva voce vote with committee amendment with the recommendation that it do pass and be printed.

F. G. MOFFETT, Secretary.

Minutes of Committee on Educational Affairs, Held February 18, 1935, Called Meeting.

Present: Duggan, Hornsby, Neal, Pace, Poage, Regan, Small, Woodruff.

Excused because of sickness: DeBerry, Cotten.

Absent: Burns, Hopkins.

S. B. No. 228 was referred to subcommittee to be rewritten.

S. B. No. 229 was reported to pass with the committee amendment.

S. B. No. 230 was referred to subcommittee to be rewritten.

S. B. No. 235 was reported favorably by viva voce vote.

S. B. No. 271 was deferred to next meeting.

S. B. No. 105 was requested to be withdrawn and referred to Finance Committee.

S. B. No. 106 was reported unfavorable by record vote of four to one.

S. B. No. 256 was reported favorably by viva voce vote.

MARGUERITE WILSON,
Secretary.

THIRTIETH DAY.

Senate Chamber,

Austin, Texas,

February 21, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sulak.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Report of the Committee on Taxation.

(See Appendix.)

Senator Duggan received unanimous consent to print as a supplement to the Journal, the report of the Committee on Taxation.

Senators Excused.

Senator Fellbaum was excused for the day, on motion of Senator Stone. Senator Regan was excused for